

REMARKS

In the Office Action, claims 1-12, 14-26, 28-39, 41-53, 55-59, 61, 62, 64 and 65 are rejected, and claims 13, 27, 40, 54, 60, 63 and 66 are objected to. With this paper, claims 1-7, 9-12, 16-21, 23-26, 28-39, 42-53, 59, 61, 64 and 65 are amended, none are canceled, and new claim 67 is added. Support for the new claim can be found on page 15, lines 22-28 and Fig. 2B of the instant specification. The application now includes 67 claims.

Claim Rejections under 35 USC §102

Claims 1-5, 7-12, 14-19, 21-26, 28-32, 34-39, 41-46, 48-53, 55-59, 61, 62, 64 and 65 are rejected under 35 USC §102(e) as being anticipated by Aravamudan *et al* (U.S. Patent No. 6,301,609, referred to as Aravamudan hereinafter). Applicant respectfully submits that Aravamudan is different from the present invention at least from the following aspects:

1. The term "client" in Aravamudan has a different meaning as the term "client" used in the present specification, and Aravamudan confuses a client with a user.

In the present application, the term "client" only refers to an implementation of a service which allows one or more users to access the service. The client may be hardware, software, or any combination thereof (page 14, line 23-27 of the instant specification). Therefore, a client is not a user, and *vice versa*.

Aravamudan calls a physical device that connects a service provider for providing a service to a user as a client premise equipment (CPE). "For example, the CPE may include, but is not limited to, a client's personal computer (PC)" (col. 3, lines 30-33). It is apparent that Aravamudan uses the term "client" to mean "user." Aravamudan further teaches "a subscribing client" in "(a)n Instant Message (IM) system is utilized in conjunction with the architecture illustrated in FIGS. 1 and 2 to provide new and useful features and services for a subscribing client" (col. 4, lines 54-56). This further confirms that "a client" and "a subscribing client" as referred to by Aravamudan are actually "a user" and "a subscribing user" by the ordinary meanings.

However, in rejecting claim 1, the Examiner quotes col. 4, line 65 to col. 5, line 13 of Aravamudan for the limitation "providing said primitive with an information element identifying a client of said terminal device," while in fact the cited passage is about a "client" (*i.e.* user) registering with a service provider. This has nothing to do with providing an information element identifying a client (*i.e.* an implementation of a service) of a terminal device.

The Examiner, further, quotes col. 6, lines 45-53 for the limitation of "providing said primitive identifying said client also with an information element identifying a user of said client." In the cited passage, the term "user" has the ordinary meaning and is the same as the term "user" used in the present specification. Because Aravamudan uses the term "client" and the term "user" in an undifferentiated way, readers could easily confuse "providing user identification" and "providing client identification" as two different things while, in fact, they are not.

Aravamudan further teaches a software component provided by the service provider and installed in the CPE by calling such software component a client. In identifying the device to the service provider, the CPE is the same as the client, and is the same as the user, because the identities of the device and the client are the same.

Throughout the Aravamudan reference, there is no separation of meanings at numerous instances in addition to the above-cited locations. Because of the confusion in Aravamudan regarding the client and the user, one can only conclude that Aravamudan never intended to assign separate identities to a user and a client as in the present invention. Therefore, Aravamudan does not anticipate the presently claimed invention.

2. Aravamudan does not teach separating user and client identities as in the present invention.

Because it does not separate the user and the client identities, the system according to Aravamudan would not be able to handle multiple users of a single client in a single physical device as shown for instance in Fig. 2A of the present disclosure, and would not be capable of registering a single user at multiple clients in different physical devices as discussed in the specification at page 15, lines 3-7.

Applicant notes that Aravamudan teaches the following:

--- The client software installed on the accessing CPE device detects network connectivity, in accordance with step 232. The client CPE software generates a message indicating user's online status and current user address, and in accordance with step 234, conveys the message to the Instant Message (IM) server, indicating the user's online presence and address. For example, if the CPE device that a user is utilizing is a packet device, then the packet address to which the CPE device is attached is provided. Alternatively, if the CPE device is one which accesses a PSTN network, then the PSTN exchange number is provided. The IM server then notifies the CSP of the user's online presence and address, in accordance with step 236. The IM server also notifies selected buddies to the user of the users presence online. In step 238, the CSP updates the CSP database to indicate that the user is online, which CPE device the user is utilizing to access the network, and the address to which the CPE device is attached. (Col. 7, lines 3-20 and Fig. 5)

In this paragraph, Aravamudan teaches that the software installed on the CPE generates a message (primitive) that includes user's online status and user's current address (e.g. the kind of device (packet or circuit-switched) the user is using), and this message is sent to the server. From this paragraph, it is clear that a user could use different CPEs to access the service and the network is able to recognize what device the user is using. However, the question is: Can the software or the CPE according to Aravamudan be used by different users, either simultaneously or at different times? The answer is no.

Aravamudan teaches:

(T)he user is provided with provisioning software for use with his CPE. The user installs the provisioning software onto his CPE device(s). The user connects and registers, via his CPE, to the provider's secure provisioning server by entering his selected password, The provisioning server, ... , registers the address of the user's Instant message server and provisions the client CPE software with a unique identification (ID)." (Col. 6, lines 45-53, as cited by the Examiner)

The provisioning software in Aravamudan is an add-on component to the CPE. It provides the CPE the capability to access the Instant Message server. According to Aravamudan, at the login, an information element, i.e. the unique identification of the client CPE software, is assigned (provisioned) by the server.

Once the provisioning software is assigned to a user, another user cannot use the same provisional software to access the service by another identification, because the ID is unique. Therefore, there is no possibility to use separate user identity and client identity for accessing the service as illustrated in FIG. 2A of the instant application.

In conclusion, the present invention distinguishes from Aravamudan because the invention makes it possible to separate the identities of a client of a network-based service such as Instant Messaging (IM), and a user of such client. In IM for example, a user is identified by his/her user name. In a conventional IM system based on access from personal desktop computers, the identification of the personal computer (PC) is not important. The IP-address of the PC is used only for internal routing purposes. In mobile instant messaging, on the other hand, the identification of the particular IM application might become more important because a user may conceivably access the service from multiple devices at the same time and some of the status information, e.g., reachability and capabilities might be tied to the user rather than to the particular IM application.

Although not limited to an Instant Messaging Service environment, the terms "terminal device", "client" and "user" are disclosed in the specification with regard to an instant message (IM) service. An IM Client is an implementation of the IM service that allows one or more IM Users to access the service. The IM client may be hardware, software, firmware, or any combination thereof. The IM Client concept is device-independent but for purposes of actual use is installed in a physical device (i.e. a terminal device). More than one client can be resident on a given physical device and the same user can access different clients on the same device. An IM User may access the IM Server simultaneously from several IM Clients (using a single device or multiple devices). Similarly, an IM Client may provide simultaneous access for several IM Users. In order to enable multiple users using a same client to simultaneously access the service, or enable a user to simultaneously use multiple clients (whether or not installed in the same physical device), it is necessary to provide information to the server with an identification of the client and an identification of the user. (See page 14, line 23, to page 15, line 7 of the instant application.)

This invention provides a method for a terminal device to communicate identification information to the network. The identification is in the form of a primitive. As shown in Fig. 2B of the instant specification, the primitive comprises an information element identifying a client (Client-ID) and an information element identifying a user (User-ID). The Client-ID element may further comprise a Client-Name and a Client-Address, and the User-ID element may further

comprise a User-Name and a User-Password. As amply illustrated in the specification, the client identity and the user identity are communicated to the network together in one primitive, not in separate steps or separate transmissions.

With this paper, claim 1 is amended to clarify that the method pertains to communicating a primitive from a terminal device to a network. The primitive has information elements with a structure recognized by the device and at least one other network entity. The method comprising, first, providing the primitive with an information element identifying a client of the terminal device and, second, providing the same primitive with an information element identifying a user of the client.

Based on the above, the method as claimed in claim 1 is believed to be patentable with regard to Aravamudan. Applicant respectfully requests the rejection of claim 1, and all the dependent claims thereof, be reconsidered and withdrawn.

In addition, claims 15 and 59 recite a system, claims 28 and 56 recite a device, and claims 42 and 64 recite a server. All of these independent claims have limitations similar to that of claim 1. Since claim 1 is believed to be patentable, claims 15, 28, 42, 56, 59, 61 and 64, and dependent claims thereof, are also believed to be patentable. Applicant respectfully requests the rejection of these claims be reconsidered and withdrawn.

Claim Rejections under 35 USC §103

On page 19, section 60, of the Office action, claims 6, 20, 33, and 47 are rejected under 35 USC §103(a) as being unpatentable over Aravamudan in view of Mendiola (U.S. Patent Application Publication No. 2002/0006803).

These claims depend from one of the patentable independent claims. Applicant respectfully requests the rejection of these claims be reconsidered and withdrawn for at least the same reasons as given above.

Conclusion

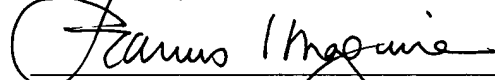
For all the foregoing reasons it is believed that all of the claims of the application are in condition for allowance, and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

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